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EXAMINER

KOENIG, ANDREW Y

ART UNIT

PAPER NUMBER

2611

DATE MAILED: 11/19/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/201,484

Applicant(s)

CARPENTER ET AL.

Examiner

Andrew Y Koenig

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-4,17-19 and 25-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4,17-19 and 25-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 19.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-4 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicant's arguments filed 17 March 2003 have been fully considered but they are not persuasive.
3. Regarding claim 17, the applicant argues that Hoarty fails to teaches "a proxy server computer interposed between the video server and the plural clients... performing a method comprising... assigning a first transmission channel... instructing the video server to transmit on... and ... instructing the first client to receive on the first transmission channel" (see pg. 15, para. 4). The examiner disagrees; Hoarty teaches a communications gateway (26) and system management (22), which equates to a proxy server computer, which is interposed between the servers (13) and the clients. Further, the system management receives requests from the clients and placing information on a carrier (first transmission channel) assigned to the user, and instructing the video server to transmit and instructing the client to receive the information (col. 7, ll. 20-48), wherein the interactive programming is a movie.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 17, 19, 25-32 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,883,661 to Hoarty.

Regarding claims 17, 31, and 32, Hoarty teaches a television system implementing information services such as video on demand (col. 4, ll. 29-36) employing a system manager and communications gateway (fig. 8, labels 22, 26) that reads on the claimed proxy. Furthermore, Hoarty teaches assigning interactive channels to the users using the system manager (col. 10, ll. 33-41). Hoarty teaches a communications gateway (26) and system management (22), which equates to a proxy server computer, which is interposed between the servers (13) and the clients. Further, the system management receives requests from the clients and placing information on a carrier (first transmission channel) assigned to the user, and instructing the video server to transmit and instructing the client to receive the information (col. 7, ll. 20-48), wherein the interactive programming is a movie. Further, the system of Hoarty readily supports plural clients (abstract); see also plural modulators (27).

Regarding claim 19, the gateway of Hoarty implements an IP addressing scheme for the server side and IHOP addresses for the client side (col. 14, ll. 49-55), clearly Hoarty demonstrates a system where the server and client protocols are different.

Regarding claims 25 and 28, Hoarty teaches a television system implementing information services such as video on demand (col. 4, ll. 29-36) employing a system manager and communications gateway (fig. 8, labels 22, 26) that reads on the claimed proxy. Furthermore, Hoarty teaches assigning interactive channels to the users using

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the system manager (col. 10, ll. 33-41). Hoarty teaches a communications gateway (26) and system management (22), which equates to a proxy server computer, which is interposed between the servers (13) and the clients. Further, the system management receives requests from the clients and placing information on a carrier (first transmission channel) assigned to the user, and instructing the video server to transmit and instructing the client to receive the information (col. 7, ll. 20-48), wherein the interactive programming is a movie. Further, the system of Hoarty readily supports plural clients (abstract); see also plural modulators (27). The gateway of Hoarty implements an IP addressing scheme for the server side and IHOP addresses for the client side (col. 14, ll. 49-55), clearly Hoarty demonstrates a system where the server and client protocols are different. The subscriber of Hoarty clearly transmits requests (control data) for video data (col. 5, ll. 11-15), as discussed in the IHOP addresses and IP schemes for translating. In response, the system management device receives requests from the clients and placing information on a carrier (first transmission channel) assigned to the user, and instructing the video server to transmit and instructing the client to receive the information (col. 7, ll. 20-48).

Regarding claims 26, 27, 29, and 30, Hoarty recognizes the need to support multiple clients (col. 5, ll. 11-15), see also plural modulators (27).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,883,661 to Hoarty (Hoarty) in view of U.S. Patent 5,898,387 to Davis et al. (Davis) and U.S. Patent 5,414,455 to Hooper et al. (Hooper).

Regarding claims 1, Hoarty teaches television system implementing information services such as video on demand (col. 4, ll. 29-36) employing a communications gateway (fig. 8, label 26) that reads on the claimed proxy. The gateway implements an IP addressing scheme for the server side and IHOP addresses for the client side (col. 14, ll. 49-55), clearly Hoarty demonstrates a system where the server and client protocols are different. However, Hoarty is silent on changing the proxy when the server or client changes protocols. Davis teaches a gateway enclosure that permits changing interface cards in the gateway (claimed proxy) when either the server or client changes protocols (col. 1-2, ll. 65-9). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Hoarty by changing the gateway when there is a change in the server or client protocol as taught by Davis in order to enable communication between the server and the client without changing the every server and client.

Hoarty teaches services such as video-on-demand, but is silent on control data for controlling a VOD server. As discussed above, Hoarty teaches separate IP addressing schemes. Hooper teaches control data for VOD, as VCR like commands such as reverse, forward, and pause (col. 3, ll. 41-46). Therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify Hoarty by using control data to control a VOD server as taught by Hooper in order to provide additional functionality and services to the user.

Regarding claim 2, Hoarty teaches a gateway, which reads on the claimed proxy, but is silent on using the same proxy used in different server/client environments. Davis teaches a gateway that is used in a variety of different environments simultaneously (i.e. broadband, LLEO, VHF/Telephony, radio, CEBus, PLC, etc.) (col. 2, ll. 38-45; col. 2, ll. 7-9).

Regarding claim 3, the combined system of Hoarty and Davis clearly improves the system by translating the different protocols to enable both systems to communicate.

Regarding claim 4, Hoarty teaches conversion of IHOP addresses to IP addresses, which do not correspond exactly since there exists a translation to convert the protocols due to dynamically changing channels (col. 13, ll. 6-19).

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,883,661 to Hoarty (Hoarty) in view of U.S. Patent 5,729,280 to Inoue et al. (Inoue).

Regarding claim 18, Hoarty teaches assigning channels to the user (col. 13, ll. 1-19), but is silent on reassigning a user to a different channel in the middle of an on-demand video. Inoue teaches changing to a different channel during an on-demand video (Abstract). Therefore, it would have been obvious to one of ordinary skill in the art

at the time the invention was made to modify Hoarty by changing to a different channel during an on-demand video as taught by Inoue in order to conserve resources and provide a set of services to more users.

### ***Conclusion***

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Y Koenig whose telephone number is (703) 306-0399. The examiner can normally be reached on M-Th (7:30 - 6:30).



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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

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**VIVEK SRIVASTAVA**  
**PRIMARY EXAMINER**